

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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ELI LILLY AND COMPANY

Plaintiff,

-against-

INVAGEN PHARMACEUTICALS, INC.,

Defendant.
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APPEARANCES:

ORRICK, HERRINGTON & SUTCLIFFE LLP
BY: DANIEL J. THOMASCH, ESQ.
LISA T. SIMPSON, ESQ.
Attorneys for Plaintiff
666 Fifth Avenue
New York, New York 10103-0001

WEXLER, District Judge

Plaintiff has moved this court for an order staying this case. The stay is sought until resolution of a jurisdictional challenge raised by Defendant herein in a related case between the parties that is currently pending in the United States District Court for the District of Indiana (the "Indiana Action"). Defendants join in the request for the stay.

In view of the parties' agreement, the court orders that this matter be administratively closed pending the resolution of the jurisdictional motion that is presently before in the Indiana Court. Counsel are directed to inform the court of the decision on the jurisdictional motion in the Indiana Action within ten days of that decision. At that time

MEMORANDUM AND ORDER

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CV 00-392

(Wexler, J.)

the parties are to inform the court whether they seek to have this case re-opened or finally closed. In the event that the case is re-opened, Defendant shall have 20 days from the date the case is re-opened in which to answer or otherwise respond to the complaint. The Clerk of the Court is directed to terminate the motion for a stay.

SO ORDERED

LEONARD D. WEXLER
UNITED STATES DISTRICT JUDGE.

Central Islip, New York
June 26, 2009